

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended claims 11, 14, 16, 19 and 20 and cancelled claim 13; no new matter has been added. Accordingly, claims 11, 12 and 14-20 remain pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Allowable Subject Matter

The Examiner objected to claims 14, 15 and 19 as being dependent upon a rejected base claim, but indicated those claims would be allowable if rewritten in independent form, including all of the limitations of their respective base claim and any intervening claim(s). The Applicant thanks the Examiner for the indication of allowable subject matter. For the reasons that follow, however, the Applicant believes the respective base claims, as amended herein, are allowable. The Applicant, therefore, declines to so amend claim 14, 15 or 19.

3.) Claim Rejections – 35 U.S.C. §102(e)

The Examiner rejected claims 11-13, 16-18 and 20 as being anticipated by Hunt (US 2003/0013452). Claim 11 has been amended to include the substantive matter of claim 13, which has been cancelled; claims 16 and 20 have also been amended to include analogous subject matter to that previously-recited in claim 13. Therefore, the Applicant will address the Examiner's rejection of claim 11 in view of his stated reasons for rejection of claims 11 and 13. The Applicant traverses the rejection of all pending claims.

First, it is to be remembered that anticipation requires that the disclosure of a single piece of prior art reveals every element, or limitation, of a claimed invention. Furthermore, the limitations that must be met by an anticipatory reference are those set forth in each statement of function in a claims limitation, and such a limitation cannot be met by an element in a reference that performs a different function, even though it may

be part of a device embodying the same general overall concept. Whereas Hunt fails to anticipate each and every limitation of claim 11, claim 11 is not anticipated thereby.

Claim 11 has been amended to include the substantive matter of claim 13, which has been cancelled. Claim 13 previously read "wherein an optimal site for a new base station is established based on the registered data." Because claim 11 recites "registering position related data," the limitation of claim 13 as incorporated in claim 11 has been clarified to recite that an optimal site is selected for a new base station as a function of "position related data," rather than "registered data." Because claim 11 already recited that traffic density within a cell is estimated as a function of such position related data, it was inherent that the selection of an optimal site for a new base station can also be performed as a function of such estimated traffic density. Thus, the amendment of claim 11 does not include any new subject matter.

Claim 11 recites:

11. A method in a cellular mobile telecommunication system for cell planning and preparing for a cell split when a cell tends to get congested or overloaded, said method comprising the steps of:
 registering position related data comprising the locations for mobile users (MS) together with what service is used by each user in terms of bit rate; and,
 creating an estimation of the traffic density within the cell as a function of said position related data; and,
 selecting an optimal site for a new base station as a function of said position related data or said traffic density. (emphasis added)

The Applicants' invention relates to a method for cell planning whereby an optimal site for a new base station is selected. To determine such optimal site, position related data is first registered; the position related data includes the locations of mobile users together with what service is used by each user in terms of bit rate. Next, traffic density within the cell is estimated as a function of the position related data. Finally, an optimal site is selected as a function of the position related data or the traffic density estimate, which is itself a function of the position related data. Hunt fails to disclose any of those claim limitations.

The teachings of Hunt relate to a hierarchical structure for a cellular radio communication system. The system is said to:

[0023] . . . [provide] more effective management of a radio link between the system and a Mobile Station (MS) 110. This is done by arranging the radio access network within a hierarchical cell structure and allowing a communications link to be split between two types of cells, such that control data is passed over a control sub-channel 212 between a terminal 110 and a BS 104 controlling a macro cell 102, and user data is passed over a data sub-channel 214 between a terminal 110 and a BS 108 controlling a pico cell 106.

[0024] The macro cell 102 offers best support for the control data, as it has sufficient capacity to support the traffic, and covers a wide area so a continuous link can be maintained as the user moves around without the need for an excessive number of handovers between cells. At the same time, the high capacity pico cell 106 supplies the user data at a high rate. Because the control sub-channel 212 is set up with the macro cell's BS 104, this is able to manage the selection of the most appropriate pico cell 106 for use in user data transfer at any one time. Since the user data is sent in packets, it is not necessary for the pico cellular coverage to be contiguous, although there may be delays in packet transmission if it is not contiguous. [emphasis added]

Thus, Hunt teaches a hierarchical system structure in which a macro cell is used for control data and a pico cell is used for user data. Nowhere in Hunt is it taught how to select an optimal site for a new base station, much less how to select such a site based on: 1) registering position related, wherein the position related data includes the locations of mobile users together with what service is used by each user in terms of bit rate; and 2) estimating traffic density within a cell as a function of the position related data. Thus, Hunt fails to teach the original limitations of claim 11. Furthermore, because Hunt does not relate to determining an optimal site for a new base station, it fails to teach selecting such optimal site as a function of the position related data or the traffic density estimate (as originally recited in claim 13, now recited in claim 11. Therefore, claim 11 is not anticipated by Hunt.


Whereas independent claims 16 and 20 recite limitations analogous to those of claim 11, they are also not anticipated by Hunt. Furthermore, whereas claims 12 and 14-15 are dependent from claim 11 and claims 17-19 are dependent from claim 16, and include the limitations of their respective base claims, they are also not anticipated by Hunt.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 11, 12 and 14-20.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,


Roger S. Burleigh
Registration No. 40,542

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Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-5799
roger.burleigh@ericsson.com